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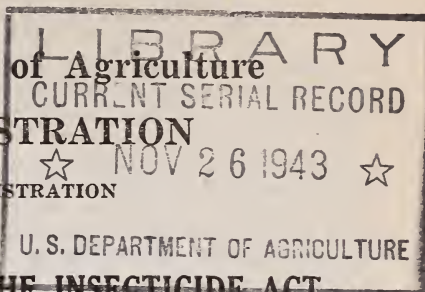
N. J., I. F. 1841-1870

Issued October 1943

United States Department of Agriculture

WAR FOOD ADMINISTRATION

FOOD DISTRIBUTION ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

1841-1870

The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication as provided in section 4 of the Insecticide Act of 1910 (36 Stat. 331).

A handwritten signature in cursive script that reads "Grover B. Hill".

Acting War Food Administrator.

WASHINGTON, D. C., September 18, 1943.

**1841. Adulteration and misbranding of "Savaday Wash." U. S. v. 150 cases of "Savaday Wash." Decree of condemnation, forfeiture, and destruction. (I. & F. No. 2265. I. D. No. 3880.)**

Examination of "Savaday Wash." showed the sodium hypochlorite content to be less than was stated on the label. The label also bore unwarranted claims that the product, when diluted as directed, would make a solution containing 200 parts per million of available chlorine.

On March 11, 1942, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases, more or less, of "Savaday Wash," at Madison, Wis., alleging that the product had been shipped in interstate commerce, on or about November 24, 1941, by the Barton Chemical Company, from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient, Sodium Hypochlorite 5% by Wt., Inert Ingredients 95% by Wt."

The product was alleged to be misbranded in that the statements, "Active Ingredient, Sodium Hypochlorite 5% by Wt., Inert Ingredients 95% by Wt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5 percent and inert ingredients in a proportion greater than 95 percent.

The product was alleged to be misbranded further in that the statements "Savaday Wash \* \* \* To prepare disinfecting solution containing 200 parts per million available chlorine \* \* \* add one ounce SAVADAY to seven quarts cold water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when diluted as directed, would not make a disinfecting solution containing 200 parts per million of available chlorine.

On May 21, 1942, a decree of condemnation, forfeiture, and destruction was entered, and on June 8, 1942, the 85 cases of the product which had been seized were destroyed.



- 1842. Misbranding of "Special Formula Flea Powder Justrite No. 1023." U. S. v. 5 barrels, more or less, of "Special Formula Flea Powder Justrite No. 1023." Decree of condemnation. Product relabeled and released under bond. (I. & F. No. 2272. I. D. No. 2435.)**

Examination of "Special Formula Flea Powder Justrite No. 1023" showed that this product consisted of derris powder and siliceous material.

On May 12, 1942, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 barrels of "Special Formula Flea Powder Justrite No. 1023" at Rochester, N. Y., alleging that the product had been shipped in interstate commerce on or about December 20, 1941, by S. B. Penick and Company from Jersey City, N. J., and charging that the product was misbranded within the meaning of the Insecticide Act of 1910. The product was alleged to be misbranded in that it consisted partially of inert substances, to wit, substances other than derris resins which would not prevent, destroy, repel, or mitigate insects, and the label did not bear a statement of the name and percentage amount of each and every one of such inert substances, nor, in lieu thereof, were the name and percentage amount of each and every ingredient of the product having insecticidal properties and the total percentage of the inert ingredients stated plainly and correctly on the label.

On November 25, 1942, the court entered a decree of forfeiture and condemnation but ordered that the product be released to the claimant, S. B. Penick and Company, upon the furnishing of a sufficient bond in the amount of \$500, and that it be relabeled "Special Formula" and the ingredients stated correctly on the label.

- 1843. Adulteration and misbranding of "Bo-Ro Klean-New." U. S. v. 175 Cases of "Bo-Ro Klean-New." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2268. I. D. No. 4469.)**

On April 8, 1942, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District court a libel praying seizure and condemnation of 175 cases, each containing 12 one-quart bottles, of "Bo-Ro Klean-New," at Stamford, Conn., alleging that the product had been shipped in interstate commerce on or about November 24, 1941, and February 24, 1942, by the Boro Products Sales Corporation, from New York, N. Y., to Stamford, Conn., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Active Ingredients 5.25% by weight, Inert Ingredients 94.75% by weight." Analysis of "Bo-Ro Klean-New" showed the active ingredient (sodium hypochlorite) of the product to be less than 3 percent.

The product was alleged to be misbranded in that the statements, "Active Ingredients 5.25% by weight, Inert Ingredients 94.75% by weight," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained an active ingredient in a proportion less than 5.25 percent, and inert ingredients in a proportion greater than 94.75 percent.

The product was alleged to be misbranded further in that the name of the active ingredient, sodium hypochlorite, was not stated on the label, nor, in lieu thereof, were the name and percentage amount of each and every inert ingredient present therein stated on the label.

On August 5, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

- 1844. Misbranding of "Calco California White Pine." U. S. v. one 35-gallon drum of "Calco California White Pine." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2286. I. D. No. 5174.)**

An analysis of "Calco California White Pine" showed that the product consisted of pine oil, soap, and water, and was not California White Pine as was stated on the label. The label did not bear the required ingredient statement.

On October 2, 1942, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 35-gallon drum of "Calco California White Pine," at Natchitoches, La., alleging that the product had been shipped in interstate commerce on or about August 12, 1942, by the Interstate Supply Company, from Dallas, Tex., and charging that the product was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "Calco California White Pine," borne on the label, was false and misleading and tended to



deceive and mislead the purchaser, since the product was not California White Pine.

The product was alleged to be misbranded further in that it consisted partially of an inert substance (water) and the name and percentage amount of the inert substance (water) was not stated on the label, nor, in lieu thereof, were the name and percentage amount of each and every ingredient having fungicidal (bactericidal) properties and the total percentage amount of the inert ingredient plainly and correctly stated on the label.

On December 15, 1942, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1845. Misbranding of "Genuine Glassine The Original Combination Cleanser and Bactericide." U. S. v. Charles P. Newberry and Irma A. Newberry, co-partners, trading as the New Chemical Company. Plea of guilty. Fine of \$300 imposed on Charles P. Newberry and a fine of \$100 imposed on Irma A. Newberry. (I. & F. No. 2210. I. D. No. 86.)**

This product consisted of a powder and a liquid. Analyses showed that the powder contained inert ingredients, particularly sodium chloride, and the liquid contained ingredients other than sodium hypochlorite, which were inert ingredients. The labels failed to bear the required ingredient statements. The product, when used as directed, would not act as a bactericide or sterilize drinking glasses, as claimed on the labels.

On April 24, 1941, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles P. Newberry and Irma A. Newberry, co-partners, trading as the New Chemical Company at Detroit, Mich., alleging shipment in interstate commerce, on or about April 13, 1940, from Detroit, Mich., to Toledo, Ohio, of a quantity of "Genuine Glassine The Original Combination Cleanser and Bactericide," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Cleanser and Bactericide \* \* \* No. 1 Genuine Glassine (The Original Combination) (3 in 1) Cleanser and Bactericide Powder. Its active Bactericide is Sodium Otho Phenyl Phenate, which is stable, soluble in water, odorless, tasteless and has a Phenol Coefficiency of 21. It is considered by health authorities everywhere an effective Bactericide. (Laboratory reports on request). \* \* \* Directions: Washing Glasses Fill one tank with warm water. Add 1 tablespoonful Genuine Glassine No. 1, powder to the gallon. Wash glass in this solution with brush and rinse immediately and thoroughly in clean cold water. Sterilizing Glasses," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not act as a bactericide and would not sterilize glasses.

The product was alleged to be misbranded further in that it consisted partially of an inert substance (sodium chloride) and the name and percentage amount thereof were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage amount of the inert ingredient stated plainly and correctly on the label.

The product designated "No. 2 Genuine Glassine Liquid Bactericide" was alleged to be misbranded in that it consisted partially of inert substances (substances other than sodium hypochlorite) and the name and percentage amount of each inert substance were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and percentage amount of each ingredient having fungicidal (bactericidal) properties and the total percentage amount of the inert ingredients stated plainly and correctly on the label.

On February 4, 1942, a plea of guilty was entered, and subsequently the court imposed a fine of \$300 upon Charles P. Newberry and a fine of \$100 upon Irma A. Newberry.

**1846. Adulteration and misbranding of "DAG Deodorant Antiseptic Germicide." U. S. v. 600, more or less, 32-ounce bottles of "DAG Deodorant Antiseptic Germicide." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2229. I. D. No. 3529.)**

An analysis of "DAG Deodorant antiseptic germicide" showed that this product contained less sodium hypochlorite and more inert ingredients than were stated on the label, and that, when used as directed, the product would not act as a germicide, or disinfectant as claimed on the label.



On August 29, 1941, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600, more or less, 32-ounce bottles of "DAG Deodorant Antiseptic Germicide," at Ashland, Ky., alleging that the product had been shipped in interstate commerce on or about April 19, 1940, by the Keller Products Company, from Columbus, Ohio, and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Inert Ingredients 95%, Sodium Hypochlorite 5% Wgt."

The product was alleged to be misbranded in that the statements, "Inert Ingredients 95%, Sodium Hypochlorite 5% by Wgt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5 percent and inert ingredients in a proportion greater than 95 percent.

The product was alleged to be misbranded further in that the statements, "**\* \* \* Germicide \* \* \* CLEANING, DISINFECTING, DEODORIZING—**Porcelain, tile, marble, enamel ware, china, crockery, refrigerators, percolators, teapots, baking dishes, casseroles, glassware, windows, woodwork, painted or unpainted, pantry and cooler shelves, bread and cake boxes. Use 2 table-spoonsful of DAG to each quart of lukewarm water, rinse and dry. **\* \* \*** **DRAIN PIPES, \* \* \***—Flush with a kettie full of boiling water; follow with a cupful of DAG; allow to stand for a few minutes, then rinse with water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed would not act as a germicide and would not disinfect porcelain, tile, marble, enamelware, china, crockery, refrigerators, percolators, teapots, baking dishes, casseroles, glassware, windows, woodwork painted or unpainted, pantry and cooler shelves, bread and cake boxes, or drain pipes.

On September 19, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1847. Adulteration and misbranding of "Special Rotenone—Lead Arsenate—Sulfur Dust." U. S. v. Micronizer Processing Company, Inc. Plea of guilty. Fine \$40. (I. & F. No. 2235. I. D. No. 576.)**

An analysis of "Special Rotenone—Lead Arsenate—Sulfur Dust" showed that this product contained less lead arsenate than was stated on the label, and the label failed to bear statements of the percentages of total and water-soluble arsenic and the required ingredient statement.

On October 17, 1941, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Micronizer Processing Company, Inc., Moorestown, N. J., alleging shipment in interstate commerce, on or about July 12, 1940, from the city of Moorestown, State of New Jersey, to the city of Fitchburg, Commonwealth of Massachusetts, of a quantity of "Special Rotenone—Lead Arsenate—Sulfur Dust," which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, " $\frac{3}{4}$  % Rotenone 20 Lead Arsenate 65 sulfur," and it contained lead arsenate in a proportion much less than 20 percent.

The product was alleged to be misbranded in that the statement, "20 Lead Arsenate," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained lead arsenate in a proportion much less than 20 percent. The product was alleged to be misbranded further in that it contained arsenic, and the label did not state as per centum of metallic arsenic, the total amount thereof, or the amount of arsenic in water-soluble form.

The product was alleged to be misbranded further in that it consisted partially of inert substances (substances other than derris resins, lead arsenate, and sulphur), which do not prevent, destroy, repel, or mitigate insects or fungi, and the names and percentage amounts of such inert ingredients were not stated on the label, nor, in lieu thereof, the name and percentage amount of each ingredient of the product having insecticidal or fungicidal properties and the total percentage amount of the inert ingredients.

On February 16, 1942, a plea of guilty was entered and the court imposed a fine of \$40.

**1848. Adulteration and misbranding of "Rainbow Super-Refined Bleach and Disinfectant." U. S. v. 138 cases, each containing 24 one-pint bottles, of "Rainbow Super-Refined Bleach and Disinfectant." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2241. I. D. No. 3375.)**

Analysis of "Rainbow Super-Refined Bleach and Disinfectant" showed that this product contained less sodium hypochlorite than was stated on the label, and the bottle contained less than one pint of the product—the quantity stated on the label.

The United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 138 cases, more or less, each containing 24 one-pint bottles of "Rainbow Super-Refined Bleach and Disinfectant," at Dallas, Tex., alleging that the product had been shipped in interstate commerce in part on or about April 18, 1941, and in part on or about June 10, 1941, by the Naylee Chemical Company from Philadelphia, Pa., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient, Sodium Hypochlorite . . . 5% by Wt. Inert Ingredients . . . 95% by Wt."

The product was alleged to be misbranded in that the statements, "Active ingredient, Sodium Hypochlorite . . . 5% by Wt. Inert Ingredients . . . 95% by Wt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained an active ingredient, to wit, sodium hypochlorite, in a proportion less than 5 percent by weight and inert ingredients in a proportion more than 95 percent by weight.

The product was alleged to be misbranded further in that the statement, namely, "Contents One Pint," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the bottles containing the product contained less than one pint thereof.

On December 1, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1849. Adulteration and misbranding of "Hexol." U. S. v. Hexol, Incorporated. Plea of guilty. Fine \$5. (I. & F. No. 2236. I. D. No. 2290.)**

An analysis of "Hexol" showed that this product consisted of a larger percentage of water than was stated on the label.

On November 29, 1941, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hexol, Incorporated, alleging shipment in interstate commerce, on or about March 28, 1941, from the city of Portland, State of Oregon, to the city of Spokane, State of Washington, of a quantity of "Hexol," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Inert Matter (Water) 13%."

The product was alleged to be misbranded in that the statement, namely, "Inert Matter (Water) 13%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained inert matter (water) in a proportion greater than 13 percent.

On January 7, 1942, a plea of guilty was entered and the court imposed a fine of \$5.

**1850. Adulteration and misbranding of "Clo-White." U. S. v. 1,140 quart bottles of "Clo-White." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2302. I. D. No. 6661.)**

Analysis of "Clo-White" showed that this product contained 3.56 percent of sodium hypochlorite, the only active ingredient present, instead of 5.25 percent, as claimed on the label. The label bore unwarranted claims relative to the efficacy of the product as a disinfectant.

On January 2, 1943, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,140 quart bottles, more or less, of "Clo-White," at Union, S. C., alleging that the product had been shipped in interstate commerce on or about November 2, 1942, by the



Coastal Chemical Company, from Savannah, Ga., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient Sodium Hypochlorite 5.25% by Wt. Inert 94.75%."

Misbranding of the product was alleged in that the statements, "Active Ingredient Sodium Hypochlorite 5.25% by Wt. Inert 94.75%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5.25 percent by weight and inert ingredients in a proportion greater than 94.75 percent by weight.

The product was alleged to be misbranded further in that the statements, "To prepare a solution containing 200 parts per million available chlorine, add  $\frac{1}{2}$  oz. Clo-White to each gallon of water—mix well. This strength of solution is valuable in disinfecting surfaces that have been thoroughly cleaned in taverns, restaurants, dairies, soda fountains, bar rooms, etc." and "A sodium hypochlorite solution with disinfecting qualities, equal to a Dakin's solution can be made as follows: Add one part of Clo-White to ten parts of cold water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product diluted with water as directed would not give a solution containing 200 parts per million of "available chlorine" and the solution prepared as directed would not disinfect the places designated, and, further, the product, when diluted by adding one part of "Clo-White" to ten parts of cold water, would not give a solution having disinfecting qualities equal to a Dakin's solution.

On February 4, 1943, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1851. Adulteration and misbranding of "Nicotine Dust No. 10." U. S. v. 5 cases, each containing 24 one-pound cartons, of "Nicotine Dust No. 10." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2271. I. D. No. 4256.)**

An analysis of "Nicotine Dust No. 10" showed that this product did not contain nicotine as stated on the label, but consisted of siliceous material and rotenone-bearing organic material.

On May 13, 1942, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation at Portland, Oreg., of 5 cases, each containing 24 one-pound cartons of "Nicotine Dust No. 10," alleging that the product had been shipped in interstate commerce on or about August 14, 1941, by The Sherwin-Williams Co., from Oakland, Calif., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration of the product was alleged for the reason that the statements, to wit, "ACTIVE INGREDIENT: Nicotine alkaloid . . . 4%" and "INERT INGREDIENTS . . . 96%," borne on the label, represented that the product contained 4 percent of nicotine alkaloid, whereas siliceous material and rotenone-bearing organic material had been substituted, in whole, for the article (nicotine dust).

Misbranding of the product was alleged for the reason that the statements "NICOTINE DUST NO. 10" and "ACTIVE INGREDIENT: Nicotine alkaloid . . . 4%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product consisted of siliceous material and rotenone-bearing organic material, and contained no nicotine.

On July 20, 1942, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1852. Adulteration and misbranding of "Rexsan Germicide Disinfectant Odorant" and "Rexsan Disinfectant Deodorant." U. S. v. Rexair, Inc. Fine \$100. (I. & F. No. 2293. I. D. Nos. 3835 and 4761.)**

Analyses showed that both these products contained an inert substance (water) in excess of the amount declared on the labels. The "Rexsan Germicide Disinfectant Odorant" was found to have a phenol coefficient of 2, whereas the label stated the phenol coefficient as 3.

On December 10, 1942, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the



district court an information against Rexair, Inc., Detroit, Mich., alleging shipments by said corporation in violation of the Insecticide Act of 1910, on or about December 17, 1941, and April 15, 1942, from the State of Michigan into the state of Wisconsin, of a quantity of "Rexsan Germicide Disinfectant Odorant" and a quantity of "Rexsan Disinfectant Deodorant," which were adulterated and misbranded fungicides within the meaning of said act.

It was alleged in the information that each product was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each product was labeled, "Inert Ingredient: water 22%," whereas it contained water in a proportion greater than 22 percent.

The products were alleged to be misbranded in that the statement, "Inert Ingredient: water 22%," borne on the label of each product, was false and misleading and tended to deceive and mislead the purchaser, since each product contained water in a proportion greater than 22 percent.

The product called "Rexsan Germicide Disinfectant Odorant" was alleged to be misbranded further in that the statement, "Germicide \* \* \* Rexsan has a phenol coefficient of three plus," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product had a phenol coefficient of less than three.

On January 13, 1943, a plea of guilty was entered and a fine of \$100 was imposed.

**1853. Adulteration and misbranding of "Fluorex V." U. S. v. 143 packages of "Fluorex V." Default decree of condemnation and forfeiture. Product delivered to a charitable institution for certain uses. (I. & F. No. 2284. I. D. No. 2455.)**

An analysis of "Fluorex V" showed that this product contained less sodium fluosilicate and more inert ingredients than were stated on the label. The label also bore unwarranted claims that the product would control all household beetles and protect poultry from further invasions of lice.

On September 22, 1942, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 packages, more or less, of "Fluorex V," at Charleston, W. Va., alleging that the product had been shipped in interstate commerce on or about July 11, 1942, by the American Fluoride Corporation, from New York, N. Y., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "ACTIVE INGREDIENT: Sodium Fluosilicate 75% INERT INGREDIENTS 25% Total 100%."

The product was alleged to be misbranded in that the statements, "ACTIVE INGREDIENT: Sodium Fluosilicate 75% INERT INGREDIENTS 25% Total 100%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium fluosilicate in a proportion less than 75 percent and inert ingredients in a proportion greater than 25 percent.

The product was alleged to be misbranded further in that the statement, "Fluorex V \* \* \* (A Fluoride Insecticide) Fluorex V has proved to be an efficient insecticide, much used in the household in the control of \* \* \* beetles", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not control all household beetles.

The product was alleged to be misbranded further in that the statements, "Poultry raisers find Fluorex V very effective against chicken lice. A pinch of the powder is placed on the various parts of the body. This kills the lice and protects from further invasion," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not protect poultry from further invasions of lice.

On October 5, 1942, no claimant having appeared, a decree of condemnation and forfeiture was entered. It was ordered that the product be delivered to the Union Mission Settlement, Inc., a charitable organization of Charleston, W. Va., for certain uses as an insecticide after removal of the labels.

**1854. Misbranding of "Hy-Grade Hoze Gun Dormoloid Cartridge." U. S. v. Hy-Grade Colloidal Insecticide Co., Inc. Plea of guilty. Fine of \$25 on one count; sentence was suspended on second count. (I. & F. No. 2260. I. D. Nos. 3068 and 3079.)**

An analysis of "Hy-Grade Hoze Gun Dormoloid Cartridge" showed that this product consisted of mineral oil, soap and other emulsifying agent, and water.

On April 7, 1942, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed an information in the district court against the Hy-Grade Colloidal Insecticide Co., Inc., West Hempstead, N. Y., alleging shipment in interstate commerce on or about June 13, 1941, and September 2, 1941, from West Hempstead, N. Y., to Baton Rouge, La., of a quantity of "Hy-Grade Hoze Gun Dormoloid Cartridge," which product was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the following statements, borne on the label and on circulars, spray charts, or display cartons accompanying the shipment:

(Carton label) "Hoze Gun Dormoloid Cartridge (Colloidal Oil Emulsion)  
\* \* \* Every standard insecticide is now available in cartridge form \* \* \*  
Used as a dormant spray Directions Insert cartridge in chamber of Hoze Gun,  
attach same to hose, turn on water and spray."

(Display carton) "Hygrade Colloidal Insecticide Cartridges kill both chewing  
and sucking insects \* \* \* Hygrade Colloidal Insecticide Cartridges kill in-  
sects \* \* \* Its fun to spray the modern way. This package contains twelve  
No. 10 Dormoloid cartridges for use in any chamber type Garden Hose Sprayer.  
Hygrade Colloidal Insecticide Cartridges \* \* \* Control Fungus Diseases  
\* \* \* This package contains twelve No. 10 Dormoloid Cartridges for use in  
any chamber type Garden Hose Sprayer."

(Small circular) "Its Fun to Spray the Hoze Gun Way Now Your Garden  
Hose Does *Double Duty* Hy-Grade Hoze Gun \* \* \* Attach to Garden Hose,  
Insert Cartridge, Turn on the Water—Spray! \* \* \* Dormoloid—A Dormant  
Oil Cartridge. Used for Oyster Shell scale and wherever a miscible oil spray is  
required."

(Spray chart) "Hy-Grade Hoze-Gun Spray Chart \* \* \* Deciduous Trees  
and Shrubs Scale Dormoloid Dormant period before growth starts. \* \* \*  
Broad Leaved Evergreens Such as Azaleas and Rhododendrons, etc. Mites Dor-  
moloid Early in Spring before growth starts. \* \* \* Coniferous Evergreens  
Scale Bark aphids, Gall aphids Dormoloid Dormant period before growth starts.  
\* \* \* Snowberry San Jose Scale Gray circular scales on twigs Dormoloid  
during dormant period."

were false and misleading and tended to deceive and mislead the purchaser, since the article, when used as directed, was not a standard insecticide or a satisfactory dormant spray; would not kill sucking and chewing insects and all insects; would not control fungus diseases, oyster-shell scale, and all other insects controllable by miscible oils; would not control scales on deciduous trees and shrubs, mites on broad leaved evergreens, such as azaleas and rhododendrons, scalebark aphids and gall aphids on coniferous evergreens; and San Jose scale on snowberry.

On April 21, 1942, a plea of guilty was entered and a fine of \$25 was imposed on the first count; sentence was suspended on the second count, and the defendant was placed on probation for 30 days.

**1855. Misbranding of "Perfection Clean-Ster." U. S. v. 11 five-pound cans of "Perfection Clean-Ster." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2250. I. D. No. 3578.)**

An analysis of "Perfection Clean-Ster" showed that this product was not a chlorinated sodium hydroxide compound as stated on the label, and that it consisted partially of inert substances. The label did not bear the required ingredient statement. Unwarranted claims were made on the label to the effect that the product would sterilize certain specified articles and surfaces.

On December 3, 1941, the United States attorney for the Southern District of Indiana, acting on a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 five-pound cans, more or less, of "Perfection Clean-ster," at Indianapolis, Ind., alleging that the product had been shipped in interstate commerce on or about September 15, 1941, by the Michigan Silo Company, from Charlotte, Mich., and charging that the product was a misbranded fungicide within the meaning of the Insecticide Act of 1910.



The product was alleged to be misbranded in that the statements, "A Special Chlorinated Sodium Hydroxide Compound" and "Perfection Clean-Ster \* \* \* Ideal for Cleaning and Sterilizing Milking Machine Rubbers and Tubing \* \* \* Sterilizes As It Cleans \* \* \* DIRECTIONS PERFECTION CLEAN-STER makes an ideal solution for cleaning and sterilizing milking machine rubber, when made up and used according to following directions: Add 2 ordinary teaspoonful of PERFECTION CLEAN-STER to 1 gallon of cold water. Use this in the jar of the sterilizing rack, filling the test-cups and milk hose with the solution, leaving it in the cups between milkings. For better results, the milker units must be flushed *immediately* after milking by drawing 1½ gallons of cold water thru the test cups of each single unit or 3 gallons for each double unit. Follow this by flushing with warm water (about 160°). Then put the cups in the rack and fill them with PERFECTION CLEAN-STER SOLUTION made up according to the above directions. When the cups are taken out of the rack, and before milking, flush them with warm water to rinse out any solution that may be left in them. \* \* \* PERFECTION CLEAN-STER used as described will keep the inside of milker rubbers clean and free from fat, preventing the growth of bacteria and prolonging the life of the rubber ware. It sterilizes as it cleans. OTHER USES FOR PERFECTION CLEAN-STER. For washing or spraying floors, walls, etc. of cattle and horse barns; hog or poultry houses. First remove filth and dirt. Then wash or spray with a solution made with 6 teaspoonfuls of PERFECTION CLEAN-STER to each gallon of water used. For flushing and sweetening milking machine pipe lines and stanchion hose: Use 4 teaspoonfuls to each gallon of water. Draw solution thru hose and pipe line. Remove dirt, dried, sour milk and moisture deposits," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product was not a chlorinated sodium hydroxide compound, and, when used as directed, would not sterilize.

The product was alleged to be misbranded further in that it consisted partially of inert substances (substances other than calcium hypochlorite) and the name and percentage amount of each inert substance present in the product were not stated on the label, nor, in lieu thereof, were the name and percentage amount of the ingredient having fungicidal properties and the total percentage amount of the inert substance stated on the label.

On January 16, 1942, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1856. Misbranding of "Quinsana." U. S. v. The Mennen Company. Plea of guilty. Fine \$200. (I. & F. No. 2278. I. D. No. 2376.)**

On September 14, 1942, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Mennen Company, a New Jersey corporation, Newark, N. J., alleging shipment in interstate commerce, on or about November 13, 1941, from Newark, N. J., to New York, N. Y., of a quantity of "Quinsana," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, (Can) "Quinsana For Fungus Infection of the Feet (Athlete's Foot) For treatment and an aid in prevention—sprinkle Quinsana liberally \* \* \* and into shoes. \* \* \* Continue to powder inside your shoes—they may be a source of re-infection. \* \* \* Net weight 3 oz." (Carton) "Quinsana \* \* \* 3 oz. net \* \* \* Quinsana is a powerful fungicide and bactericide and is effective as an aid in the treatment and prevention of athlete's foot. Soothing, non-irritating in continued use. Quinsana absorbs moisture and perspiration and may be conveniently dusted into shoes as an aid to prevent recurrence and reinfection from shoe linings." (Circular) "Science Finds New Way to Fight America's No. 1 Skin Disease \* \* \* Also that the fungus must be eradicated from shoes (as well as feet) to help guard against reinfection. Based on this knowledge, a new powder—Quinsana—has been developed by the Pharmaceutical Division of The Mennen Company. It has been producing remarkable results, as shown in this folder. \* \* \* Quinsana is effective as an aid in both the treatment and prevention of Athlete's Foot \* \* \* and (2) to help prevent infection or re-infection from shoes, bathroom floors, gymnasiums, pools, and locker rooms \* \* \* 6. Sprinkle Quinsana into shoes daily. Shake the shoes to bring the powder into contact with entire surface of the shoe-lining. \* \* \* 8. If

you had the infection in a previous year, be sure to apply Quinsana to inside of the shoes you may have worn then—including golf shoes, tennis sneakers, skating or skiing shoes, bedroom slippers, etc. \* \* \* Use Quinsana two ways—on feet and in shoes," borne on the labels of the cans and cartons, or contained in a circular shipped with the product, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, was not a powerful fungicide and bactericide; would not prevent recurrence of fungus infection of the feet and reinfection from shoe linings; would not provide a way to fight "Athlete's foot" disease; would not eradicate the fungus from shoes; and would not help prevent infection or reinfection from shoes, bathroom floors, gymnasiums, pools, and locker rooms; and the cans containing the product contained less than 3 ounces of the product.

The product was alleged to be misbranded further in that the statements, "U. S. Government Method for measuring the power of preparations to prevent the growth of fungus is known as the Agar Cup-Plate test (Circ. 198, Dept. of Agriculture). The wider the clear area around the 'cup' in center of plate, the greater the power to prevent fungus growth. Note superiority of Quinsana (above, extreme right) compared with two other well-known Athlete's Foot medications," borne on the circular, were false and misleading and tended to deceive and mislead the purchaser, since Circular 198, U. S. Department of Agriculture, does not describe a United States Government method for measuring the power of preparations to prevent the growth of the fungus causing athlete's foot.

Misbranding was alleged for the further reason that the product consisted partially of inert substances or ingredients, namely, talc, kaolin, and sodium bicarbonate, which do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each of the said inert ingredients present in the product were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and percentage amount of each and every ingredient of the product having fungicidal (bactericidal) properties and the total percentage of the inert ingredients stated on the label.

On December 1, 1942, a plea of guilty was entered and a fine of \$100 was imposed on each of the two counts.

**1857. Misbranding of "Oriental Insect Destroyer" and adulteration and misbranding of "Triple Action Roach Powder." U. S. v. Oriental Sanitary Products Corporation. Plea of guilty. Fine \$25. (I. & F. No. 2275. I. D. Nos. 3824 and 3825.)**

On September 23, 1942, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Oriental Sanitary Products Corporation, Chicago, Ill., alleging shipment in interstate commerce, on or about December 16, 1941, from Chicago, Ill., to Racine, Wis., of a quantity of "Oriental Insect Destroyer," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910. The information alleged also that, on or about December 20, 1941, the Oriental Sanitary Products Corporation shipped in interstate commerce from Chicago, Ill., to Racine, Wis., a quantity of "Triple Action Roach Powder," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Oriental Insect Destroyer" was alleged to be misbranded in that the statements, "Oriental Insect Destroyer Destroys the insects and their eggs \* \* \* Directions Flies \* \* \* Close doors and windows. Spray liberally toward ceiling from dark end of room toward light. Be sure all parts of room are sprayed. Keep room closed five to ten minutes \* \* \* Moths: Brush and remove all grease spots from \* \* \* upholstered furniture \* \* \* Spray lightly but completely twice a month \* \* \* Barns, Hog Houses, etc. Follow directions as for flies. Spray before milking and when flies are troublesome," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not destroy all insects and flies in houses, barns, and hog houses, and would not control moths in upholstered furniture. This product was alleged to be misbranded further in that the statements, "Non Poisonous" and "100% active," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product was poisonous and, when used as directed, was not 100 percent effective as an insecticide.

The "Triple Action Roach Powder" was found to contain less than 1 percent of sodium fluoride, and it was alleged to be adulterated in that its strength



and purity fell below the professed standard and quality under which it was sold, namely, "Sodium Fluoride 50% Inert Ingredients for Bait 25%."

The product was alleged to be misbranded in that it consisted partially of inert substance (substances other than sodium fluoride, borax, and pyrethrins), and the label did not bear the name and percentage amount of each such inert ingredient, nor, in lieu thereof, the name and percentage amount of each active ingredient and the total percentage of the inert ingredients.

This product was alleged to be misbranded further in that the statements, "Ingredients Sodium Fluoride 50% Other Active Ingredients 25% Inert Ingredients for Bait 25%" and "Triple Action Roach Powder \* \* \* Roaches Water Bugs Silver Bugs and Destroys Their Nests," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the product consisted of sodium fluoride in a proportion of less than 50 percent; the names and percentage amounts of the other active ingredients were not stated; the product consisted of more than 25 percent of inert ingredients, and not all the inert material was bait; the product, when used as directed, would not have triple action effectiveness; and the insects designated do not have true nests.

On December 7, 1942, a plea of guilty was entered and a fine of \$25 was imposed.

**1858. Misbranding of "Preventhem Spray," "Bengal's Japanese Beetle Spray," "Preventhem Plant Spray," "Preventhem Powder," "Pine Oil Disinfectant," and "Bengal's Moth Crystals." U. S. v. Robert Hannes and Hillel Hannes, trading as The Bengal Company. Plea of guilty. Fine \$200. (I. & F. No. 2239. I. D. Nos. 1959, 2303-2307, and 2310.)**

On November 5, 1941, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert Hannes and Hillel Hannes, copartners, trading as The Bengal Company at New York City, N. Y., alleging shipment in interstate commerce from New York City, N. Y., to Cranford, N. J., of a quantity of "Preventhem Spray" on June 16, 1941, a quantity of "Bengal's Japanese Beetle Spray," "Preventhem Plant Spray," "Preventhem Powder," and "Pine Oil Disinfectant" on July 1, 1941, a quantity of "Bengal's Moth Crystals" on July 2, 1941, and a quantity of "Pine Oil Disinfectant" on July 24, 1941. All of the products except the "Pine Oil Disinfectant" were alleged to be misbranded insecticides within the meaning of the Insecticide Act of 1910. The "Pine Oil Disinfectant" was alleged to be a misbranded fungicide within the meaning of said act.

"The 'Preventhem Spray' was alleged to be misbranded in that the statements, 'Preventhem Spray 'A pint of Preventhem is worth a gallon of cure' Directions: Spray regularly into seams and linings of mattress, also entire bedspring. Be sure to spray into woodwork of wall near bed \* \* \* For upholstered furniture spray into all the seams. Also spray woodwork of wall. \* \* \* Use also to Kill Flies, Mosquitoes, Moths, and All Insect Life \* \* \* 'A pint of Preventhem is worth a gallon of cure'. According to the standard laboratory method of testing insecticides on living bugs, the Preventhem formula has the highest killing strength possible in bedbug sprays. We know of nothing in the market other than Preventhem as powerful for the prevention of bedbugs, roaches and chinchies," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not kill flies, mosquitoes, moths, and all other insect life; did not possess the highest killing strength possible in bedbug sprays; and was not the most powerful spray for the prevention of bedbugs, roaches, and chinchies.

"Bengal's Japanese Beetle Spray" was alleged to be misbranded in that it consisted partially of inert substances, to wit, substances other than derris resins, and the names and percentage amounts of such ingredients were not stated on the label, nor, in lieu thereof, were the name and percentage amount of each ingredient having insecticidal properties and the total percentage of the inert ingredients stated on the label.

The "Preventhem Plant Spray" was alleged to be misbranded in that it consisted partially of an inert substance, to wit, water, and the name and percentage amount thereof were not stated on the label, nor, in lieu thereof, did the label bear a statement of the name and percentage amount of each ingredient having insecticidal properties and the total percentage amount of the inert ingredients.

The "Preventhem Powder" was alleged to be misbranded in that the statements, "100% Active Ingredients \* \* \* Contents 100% the following: Borate and Flourosilicate of Sodium Flourosilicate of Magnesium Cinerariaefolium-

Derris \* \* \* Preventhem Powder for the prevention of roaches, ants and crawling insects. \* \* \* Directions: Sprinkle powder wherever food is kept; also along baseboards and floor. Preventhem powder will absolutely prevent all roaches, being scientifically prepared for that purpose. Should there be roaches, Preventhem powder will kill them all without mercy. Use Preventhem powder for ants and all crawling insects. It is equally good for these \* \* \* Preventhem Powder contains all of the spectacular preventative and killing ingredients which give Preventhem Spray the highest killing strength possible in a spray," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product did not consist 100 percent of active ingredients, did not contain fluosilicate of sodium and of magnesium, did not contain derris, and, when used as directed, the powder would not control roaches, ants, and all crawling insects, and it did not contain all the preventive and killing ingredients sufficient to give it the highest killing strength possible in a spray.

Misbranding of the "Pine Oil Disinfectant" was alleged for the reason that the product consisted partially of an inert substance, to wit, water, and the name and percentage amount thereof were not stated on the label, nor, in lieu thereof, the name and percentage amount of each ingredient having fungicidal properties and the total percentage amount of the inert substance.

This product was alleged to be misbranded also in that the statements, "Pine Oil Disinfectant \* \* \* Kills Washing Pail Germs and Bacteria \* \* \* Kills the germs you track into the home under shoe leather \* \* \* Purifies odors with 3 times the strength of pure carbolic acid. Yet is harmless to clothing or skin," borne in a circular-catalog which accompanied the product, were false and misleading and tended to deceive and mislead the purchaser, since the product would not kill all germs or all bacteria, and it was not three times as strong as carbolic acid against odors.

Misbranding of "Bengal's Moth Crystals" was alleged in that the statements, "Bengal's Moth Crystals: The important thing is moth-proofing \* \* \* Upholstered furniture should be brushed vigorously with a whisk broom then sprinkled under the cushions with crystals. Do this every three weeks. Brush the entire surface," borne in the circular shipped with the article, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not act as a mothproofing or control moths in upholstered furniture.

On December 21, 1942, a plea of guilty was entered and a fine of \$200 was imposed.

**1859. Adulteration of "Lacco Brand Liquid Fish Oil Soap." U. S. v. Los Angeles Chemical Company. Plea of nolo contendere to count one. Fine \$50. (I. & F. No. 2289. I. D. No. 4158.)**

Analysis of "Lacco Brand Liquid Fish Oil Soap" showed that this product contained 34.5 percent of soap.

On November 28, 1942, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Los Angeles Chemical Company, a corporation, Los Angeles, Calif., alleging shipment in interstate commerce, on or about October 9, 1940, from Los Angeles, Calif., into the State of Arizona, of a quantity of "Lacco Brand Liquid Fish Oil Soap," which was an adulterated insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled,

"Active Ingredient:

Anhydrous Soap-----	40%
Inert Ingredients-----	60%"

whereas it contained less than 40 percent of soap and more than 60 percent of inert ingredients.

On December 28, 1942, a plea of nolo contendere was entered to count one; count two was dismissed; and the court imposed a fine of \$50.



**1860. Adulteration and misbranding of "Cresolin." U. S. v. Benjamin Ingber, trading as the Leonard Sales Company. Plea of guilty. Fine \$25. (I. & F. No. 2294. I. D. No. 2460.)**

Analysis of a sample of "Cresolin" showed that this product contained 17 percent water, and also mineral oil, inert substances.

On November 27, 1942, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Benjamin Ingber, trading as the Leonard Sales Company, alleging shipment in interstate commerce, on or about June 19, 1942, from Philadelphia, Pa., into the State of New Jersey, of a quantity of "Cresolin" which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Inert Ingredient water less than 9%," whereas it contained more than 9 percent of water.

The product was alleged to be misbranded in that it consisted partially of inert substances, namely, water and mineral oil, and the name and percentage amounts thereof were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the product having fungicidal (bactericidal) properties and the total percentage of the inert substances, present therein, stated plainly and correctly on the label.

Misbranding of the product was alleged further for the reason that the statement "Inert Ingredient water less than 9%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained more than 9 percent of water.

On January 4, 1943, a plea of guilty was entered and the court imposed a fine of \$25.

**1861. Misbranding of "Rexide" and adulteration and misbranding of "Reximotor." U. S. v. Rexair, Inc. Plea of guilty. Fine \$275. (I. & F. No. 2282. I. D. Nos. 3834 and 3836.)**

On December 10, 1942, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rexair, Inc., Detroit, Mich., alleging shipment in interstate commerce, on or about December 17, 1941, from Detroit, Mich., to Milwaukee, Wis., of a quantity of "Rexide," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910. The information also alleged that Rexair, Inc., on or about July 25, 1941, shipped in interstate commerce, from Detroit, Mich., to Milwaukee, Wis., a quantity of "Reximotor," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product, "Rexide," was alleged to be misbranded in that the statements, "Rexide Mothproofs \* \* \* Rexide when properly applied will protect fabrics from moths for two years. \* \* \* Upholstery: Clean thoroughly all over. Clean crevices with Rexair crevice tool. Spray into crevices first, then arms, outside and back. Spray all surfaces of removable cushions. Do not replace cushions until thoroughly dry. \* \* \* Clothes moths and carpet beetles will attack any and all materials of animal origin. Rexide, if properly applied will completely protect such materials from damage for two years," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not make fabrics mothproof; would not protect fabrics and materials of animal origin from injury by moths for a period of 2 years; and would not control moths and carpet beetles in upholstered furniture.

The product, "Reximotor," was alleged to be adulterated in that the statements, "N. A. I. D. M. Rating A. A. The A. A. Rating of Reximotor is the Highest Rating given by The National Association of Insecticide and Disinfectant Manufacturers," purported and represented that the strength and purity of the product were such that it had a grade A. A. rating by the National Association of Insecticide and Disinfectant Manufacturers, whereas the product fell below the standard and quality under which it was sold, since it had a lower rating than grade A. A.

The product was alleged to be misbranded in that the statements, "N. A. I. D. M. Rating A. A. The A. A. Rating of Reximotor is the Highest Rating given by the National Association of Insecticide and Disinfectant Manufacturers,"

and "Reximator Kills Household Pests \* \* \* Directions For Use \* \* \* Flies: Spray Reximator toward ceiling in the room and also directly on flies. Leave doors and windows closed for about ten minutes," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product had a lower rating than grade A. A., and, when used as directed, would not kill all household pests and would not be an effective control of flies.

On January 13, 1943, a plea of guilty was entered and a fine of \$275 was imposed.

**1862. Adulteration and misbranding of "Corona 1% Rotenone Dust." U. S. v. 75 bags, each containing 50 pounds, of "Corona 1% Rotenone Dust." Default decree of condemnation and forfeiture. (I. & F. No. 2280. I. D. Nos. 3729 and 5809.)**

An analysis of "Corona 1% Rotenone Dust" showed that this product contained less rotenone than was stated on the label.

On August 17, 1942, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation at Pennville, Mich., of 75 bags, more or less, each containing 50 pounds, of "Corona 1% Rotenone Dust," alleging that the product had been shipped in interstate commerce on or about June 26, 1941, by the Pittsburgh Plate Glass Company, from Milwaukee, Wis., and charging that the product was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "1% Rotenone Dust Analysis \* \* \* Rotenone \* \* \* 1% \* \* \* Inert Ingredients \* \* \* 96%."

The product was alleged to be misbranded in that the statements, "1% Rotenone Dust Analysis \* \* \* Rotenone \* \* \* 1% \* \* \* Inert Ingredients \* \* \* 96%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained rotenone in a proportion of less than 1 percent and inert ingredients in a proportion greater than 96 percent.

On February 17, 1943, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered for use by the Federal Correctional Institution located at Miles, Mich., after the ingredient statement on each bag had been changed to read as follows:

**"ACTIVE INGREDIENTS**

Rotenone ----- 0.4%

Other Cube Resins ----- 3.0%

**INERT INGREDIENTS ----- 96.6%."**

**1863. Adulteration and misbranding of "ROCO C. T. Disinfectant." U.S. v. one 65-gallon drum of "ROCO C. T. Disinfectant." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2303. I. D. No. 6654.)**

An analysis of "ROCO C. T. Disinfectant" showed that this product contained 56.5 percent water.

On January 4, 1943, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 65-gallon drum, more or less, of "ROCO C. T. Disinfectant," at Lake City, S. C., alleging that the product had been shipped in interstate commerce on or about October 15, 1942, by the Royal Manufacturing Company, from Augusta, Ga., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Contains not over 10% Inert Matter (water)."

The product was alleged to be misbranded in that the statement, "Contains not over 10% Inert Matter (water)," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained inert matter (water) in a proportion much greater than 10 percent.

On February 22, 1943, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

**1864. Misbranding of "Paramount Ko-Pine Disinfectant." U. S. v. Paramount Chemical Company. Plea of guilty. Fine \$50. (I. & F. No. 2287. I. D. No. 5037.)**

On November 27, 1942, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paramount Chemical Company, a corporation,



Atlanta, Ga., alleging shipment in interstate commerce on or about May 7, 1942, from Columbus, Ga., into the State of Alabama, of a quantity of "Paramount Ko-Pine Disinfectant," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount thereof were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the product having fungicidal properties and the total percentage of the inert substances, present therein, stated plainly and correctly on the label.

On March 1, 1943, a plea of guilty was entered and the court imposed a fine of \$50.

**1865. Adulteration and misbranding of "Standard Cresol Compound U. S. P. XI (Liquor Cresolis Saponatus)." U. S. v. Ben Weisberger and Jacob Weisberger, trading as the Standard Disinfectant Company. Plea of guilty to count one. Fine of \$12.50 on each defendant. (I. & F. No. 2276. I. D. No. 3969.)**

On September 10, 1942, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ben Weisberger and Jacob Weisberger, co-partners, trading under the name Standard Disinfectant Company at Memphis, Tenn., alleging shipment in interstate commerce, on or about December 10, 1941, from Memphis, Tenn., into the State of South Carolina, of a quantity of "Standard Cresol Compound U. S. P. XI (Liquor Cresolis Saponatus)," which was an adulterated (count one) and misbranded (count two) fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statement "Standard Cresol Compound U. S. P. XI (Liquor Cresolis Saponatus)," borne on the drum, represented that it was a standard cresol compound, whereas it was not a standard cresol compound as prescribed in the United States Pharmacopoeia XI, but another substance, tar acids had been substituted in part for cresol.

On May 3, 1943, a plea of guilty was entered to count one; count two was dismissed; and the court imposed a fine of \$12.50 on each defendant.

**1866. Misbranding of "Rot-O-Spray." U. S. v. Garden Hose Spray Company, Inc. Plea of guilty. Fine \$25. (I. & F. No. 2246. I. D. Nos. 827-E, 1946, and 1956.)**

On April 28, 1943, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture filed in the district court an information against the Garden Hose Spray Company, Inc., alleging shipment in interstate commerce, on or about February 21, 1940, and April 23 and May 19, 1941, from Boston and Cambridge, Mass., into the States of Georgia and Pennsylvania, of quantities of "Rot-O-Spray," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product which was shipped on February 21, 1940, was alleged to be misbranded in that the following statements, borne on the label and display carton, were false and misleading, and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since, when used as directed, it would not control cyclamen mite, Mexican bean beetle, striped cucumber beetle, garden insects, and plant diseases as claimed:

(Label) "ROT-O-SPRAY For use in Garden Hose Insecticide Sprayers An insecticide for the control of such insects as Cyclamen Mite, Mexican Bean Beetle, Striped Cucumber Beetle and Red Spider \* \* \* DIRECTIONS: Insert cartridge in barrel of Sprayer, making sure all rubber washers are in place, and attach to sprayer shut-off on end of hose. Spray under parts of leaves thoroughly.

(Carton) "ROT-O-SPRAY \* \* \* Save your Garden from Insects and Disease."

The product which was shipped April 23 and May 19, 1941, was alleged to be misbranded in that the following statements, borne on the carton label and circular wrapped around each cartridge, were false and misleading, and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since, when used as directed, it would not control cyclamen mite and red spider as claimed:

(Carton) "Rot-O-Spray For Use In Garden Hose Insecticide Sprayers An insecticide for the control of \* \* \* Cyclamen Mite, \* \* \* Red Spider. Directions: Insert cartridge in barrel of sprayer, making sure all rubber washers

are in place, and attach to sprayer shut-off on end of hose. Spray under parts of leaves thoroughly. When through spraying remove cartridge and replace in original container. Keep in cool, dry place."

(Circular) "For best results and for a more concentrated spraying mixture this cartridge must be replaced by a new cartridge when one-third of it has been used. When cartridges are replaced the old cartridge may be saved and when several pieces have accumulated they may be used by putting enough pieces in the chamber to completely fill it. If, instead of replacing this cartridge when one-third used, an additional piece of cartridge be inserted so that the cartridge chamber is practically full again, the same concentration will be obtained. Satisfactory spraying results have been obtained by the use of this cartridge without changing or keeping the chamber practically full at all times but remember, maximum efficiency is reached only when the cartridge chamber is not less than one-third full."

On May 4, 1943, a plea of guilty was entered and a fine of \$25 was imposed.

**1867. Misbranding of "Pine Oil Disinfectant." U. S. v. Thompson-Hayward Chemical Company. Plea of guilty. Fine \$50 and costs. (I. & F. No. 2295. I. D. No. 5146.)**

On March 8, 1943, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thompson-Hayward Chemical Company, a corporation, alleging shipment in interstate commerce, on or about July 20, 1942, from New Orleans, La., into the State of Mississippi, of a quantity of "Pine Oil Disinfectant," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount thereof were not stated plainly and correctly, or at all, on the label, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the product having fungicidal (bactericidal) properties, and the total percentage of the inert substance, present therein, stated plainly and correctly, or at all, on the label.

Misbranding of the product was alleged further in that the statement, "Pine Oil Disinfectant," borne on the label affixed to the drum, was false and misleading, and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since it was not pine oil disinfectant but consisted of pine oil disinfectant and water.

On March 31, 1943, a plea of guilty was entered and the court imposed a fine of \$100 and costs of the prosecution.

**1868. Adulteration and misbranding of "Cop-Ar-Nic" and misbranding of "Jap-O-Spray." U. S. v. Garden Hose Spray Company, Inc. Plea of guilty. Fine \$25. (I. & F. No. 2290. I. D. Nos. 2977, 4405, and 5007.)**

Analysis of cartridges of the product called "Cop-Ar-Nic" showed the nicotine content (average of seven cartridges) to be 8.45 percent.

On January 22, 1943, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Garden Hose Spray Company, Inc., Cambridge, Mass., alleging shipment in interstate commerce, on or about December 28, 1940, and January 23 and March 6, 1942, from Cambridge, Mass., into the States of Louisiana, Georgia, and Rhode Island, of a quantity of "Cop-Ar-Nic" and "Jap-O-Spray." It was charged that the "Cop-Ar-Nic" was an adulterated and misbranded insecticide and the "Jap-O-Spray" was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Cop-Ar-Nic" was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Nicotine, as alkaloid, not less than 15%" and for the further reason that it was intended for use on vegetation and it contained a substance that would be injurious to such vegetation when so used.

The article was alleged to be misbranded in that the statement, "Nicotine, as alkaloid, not less than 15%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained nicotine in a proportion much less than 15 percent.

Misbranding was alleged further in that the following statements, borne on the label, were false and misleading, and, by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since when used as directed, it would not be an effective insecticide for insects controlled by a copper, arsenic,



and nicotine spray: "Arnold Insecticide Cartridges Cop-Ar-Nic \* \* \* Cop-Ar-Nic For 'Arnold' Garden Hose Sprayer \* \* \* Directions: Insert cartridge in barrel of sprayer, making sure all rubber washers are in place, and attach to sprayer shut-off on end of hose. Spray under leaves thoroughly."

The product called "Jap-O-Spray" was alleged to be misbranded in that the following statements, borne on the label, were false and misleading, and by reason thereof the article was labeled so as to deceive and mislead the purchaser, since, when used as directed, it would not control rose chafer, Japanese beetles, and similarly resistant insects: "Jap-O-Spray For Use in Garden Hose Insecticide Sprayers An extra strength cartridge for use in combating Japanese beetle, Rose Chafer and similarly resistant insects."

On May 4, 1943, a plea of guilty was entered and a fine of \$25 was imposed.

**1869. Adulteration and misbranding of "Mystic Roach Powder" and "Mystic Ant and Roach Powder." U. S. v. Grover Cleveland McDonald, trading as Mystic Chemical Company. Plea of guilty. Fine \$10 and costs of \$20. (I. & F. No. 2315. I. D. Nos. 5201 and 5244.)**

On May 21, 1943, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Grover Cleveland McDonald, trading as the Mystic Chemical Company at Louisville, Ky., alleging shipment in interstate commerce, on or about May 25, 1942, from Louisville, Ky., to New Albany, Ind., of a quantity of "Mystic Roach Powder," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910. The information also alleged shipment in interstate commerce, on or about October 26, 1942, by said defendant from Louisville, Ky., to New Albany, Ind., of a quantity of "Mystic Ant and Roach Powder," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The "Mystic Roach Powder" and the "Mystic Ant and Roach Powder" were alleged to be misbranded in that the statements, "ACTIVE INGREDIENTS Sodium Fluoride 80% Inert Ingredients 20%," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser, since the products contained sodium fluoride in a proportion of less than 80 percent and inert ingredients in a proportion greater than 20 percent.

Both products were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, namely, "ACTIVE INGREDIENTS Sodium Fluoride 80% Inert Ingredients 20%."

On June 4, 1943, a plea of guilty was entered and a fine of \$10, together with \$20 costs, was imposed.

**1870. Adulteration and misbranding of "Chloraide." U. S. v. 40 one-quart, 34 one-pint, and 34 eight-fluid-ounce bottles of "Chloraide." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2311. I. D. No. 6241.)**

The product "Chloraide," was found to contain less sodium hypochlorite and more inert ingredients than were stated on the label.

On March 20, 1943, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 one-quart bottles, 34 one-pint bottles, and 34 eight-fluid-ounce bottles, more or less, of "Chloraide," at St. Louis, Mo., alleging that the product had been shipped in interstate commerce, on or about May 21, 1942, by the Farmaide Products Company, from Lincoln, Nebr., and charging that the product was an adulterated and misbranded fungicide (disinfectant) within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient: Sodium Hypochlorite not less than 4%. Total Inert Ingredients 96%."

The product was alleged to be misbranded in that the statements, "Active Ingredient Sodium Hypochlorite 4%" and "Inert Ingredients 96%" borne on the carton and bottle labels of the eight-ounce, pint, and quart bottles, and the statement, "Active Ingredients: Sodium Hypochlorite not less than 4% Total Inert Ingredients 96%," borne on the quart-bottle label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 4 percent and inert ingredients in a proportion greater than 96 percent.

The product was alleged to be misbranded further in that the statements, "Beverage Dispensers, Soda Fountains, Restaurants, Beer Taverns—Chloraide is effective in either cold or warm water. Do not use boiling water. For glasses, dishes; first wash dish or glass according to the rules of the Health Department. Prepare a solution of Chloraide, using two ounces of Chloraide to three gallons of water used; immerse the glass or dish for a period of two minutes. Rinse thoroughly in clean water then drain and dry," borne on the labels of the one-quart, one-pint, and eight-ounce bottles; the statement, "Dakin's Solution—To make an antiseptic solution equivalent to Dakin's Solution add one part Chloraide to seven parts of water," borne on the label of the one-pint bottle, and the statement "Dakin's Disinfectant Solution—To make a solution equivalent in strength to Dakin's Solution add one part Chloraide to seven parts water," borne on the label of the eight-ounce bottle, were false and misleading and tended to deceive and mislead the purchaser, since the product was not a reliable disinfectant and would not make a solution equivalent to Dakin's solution when diluted as directed.

On June 15, 1943, no claimant having appeared, a decree of condemnation, forfeiture, and destruction was entered, and the product was ordered destroyed.

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